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plaster from the wall. It then entered the wall at two basaltic magnetic stones, and continued its course within the wall till it diverged to the roof of a slated shed adjoining, from whence it proceeded, on the outside, to a window frame, where it fused the points of two iron spikes, by which the frame was connected, without leaving any mark of burning on the wood. It next passed through the wall, at a rack full of wet grass, struck the horse on the nose, and instantly left him lifeless, and lastly, passed along his neck, divided at his breast, and went down each fore-leg, leaving a dark line upon the surface, and in the flesh under the skin. A general swelling and putridity speedily appeared over the whole carcase, which presently attracted flocks of ravens to the carrion, which they soon devoured. All the above phenomena were philosophically accounted for in the discourse.

**MONUMENT SACRED TO THE MEMORY OF
THE REV. SAUMAREZ DUBOURDIEU.**

A monument is now erected, in the Parish Church of Lisburn, to the memory of that excellent man, the REV. SAUMAREZ DUBOURDIEU, at the expense of some gentlemen who had been educated under him. It has been executed in a superior style, by Mr. John Smyth, of Montgomery-street, Dublin. The following inscription appears on a tablet, under an elegant bust, affording a good likeness of the original. The bust is of the purest white marble, and stands on a handsome sarcophagus, before a beautiful marble pyramid.*

Reader,

This monument is sacred to the memory of the REV. SAUMAREZ DUBOURDIEU, A.M. Minister of the French Protestant Church of this town, Vicar of the Parish of Glenavy, and fifty-six years master of the Classical School of Lisburn.

In manners he was courteous and unaffected.

In conduct pious, candid, and of strict integrity.

Descended from French parentage,
Who had been forced from the land of
their nativity,

By religious persecution,
He merited and obtained for himself
A name, a habitation, and a country,

* The inscription is in Latin, and by mistake was omitted to be inserted at this place. It shall appear in our next magazine.

Among strangers.

Unwarped by worldly allurements,
He instructed the youth committed to his
care,

In learning, useful and ornamental;

The flock of which he was pastor,

In the pure principles of the Christian
Faith;

And all who were witnesses of his conduct,
By the bright example of a life

Well spent.

By a wife deservedly dear to him,

He left four children,

Worthy of such a parent.

He departed this life the 14th December,
1812,

Aged ninety-six years and three months,

His Scholars,

In grateful remembrance

Of his virtues,

Have caused this marble

To be erected.

**ADDRESS FROM THE GOVERNORS OF THE
HOUSE OF INDUSTRY AT WATERFORD
ON THE SUBJECT OF ASYLUMS FOR
THE INSANE.**

It is earnestly and anxiously submitted to all Irishmen who interest themselves in affording relief to their countrymen suffering under these severest human afflictions, that the attention of the legislature should be solicited to secure to such poor persons as are unhappily deranged in mind, an adequate provision for their support, and the application of every practicable means for the restoration of their mental faculties.

In England, by the Act of 48th George III. cap. 96, amended by a subsequent Act in 1811, provision has been made for the erection, in counties or districts of counties, of Asylums for Lunatics and Insane Persons, being paupers or criminals, and for their conveyance to such asylums at the public charge; and in the preamble to that Act the danger and inconvenience of uniting such asylums with gaols, houses of correction, or houses of industry, are forcibly recognized. The manner in which that provision was organized in England, depending on their parochial system of the poor, rendered its extension to Ireland, in that form, impracticable; but the principle of the measure was considered by all who took part in the discussion, as at least equally necessary for this part of the United Kingdom.

The very slender provision which establishments of this nature receive from

the public, where any such exist in Ireland, the precarious tenure of that scanty provision, depending almost entirely on the manner this subject may affect the minds of Grand Juries, fluctuating in their composition, and consequently uncertain in their opinions; the connexion of those asylums either with prisons or houses of industry, precluding the application of due means to prosecute, as far as may be, the attainment of cure or relief for these unhappy objects, from the incongruous nature of the institutions with which they are connected; the diversion of much of the funds properly belonging to the infirm poor who are not insane, to supply the deficiency in means allotted for the support of the lunatics, and the consideration that under the present system any county can at pleasure throw upon its more humane neighbours the burthen of supporting those whom it is more peculiarly its own duty to relieve, or suffer them to wander at large, unprotected and unprovided for, until the commission of some enormous crime shall place at the bar of justice an unhappy being divested of all responsibility for his actions:

All these causes have induced the Governors of the House of Industry of Waterford to intreat the friends of suffering humanity through Ireland, to unite with them in pressing on the consideration of Parliament in the ensuing session, this work of Benevolence and Charity, the urgency of which, in the case of England, the Legislature has so recently and decidedly recognised.

By direction of a Board of Governors of the House of Industry of the County and City of Waterford specially convened for consideration of this subject, 14th October, 1813,
JOHN NEWPORT, Chairman.

TOLLS.

(From the Freeman's Journal.)

The taking of tolls is an institution of great antiquity, the word being Saxon. It is properly a payment made in towns, markets, and fairs for goods and cattle bought and sold. Toll is a reasonable sum of money due to the owner of the fair or market upon sale of things tollable within the same.

Tolls were not granted for the private interest of corporate cities or towns, or

lords of manors, but for public utility. In the times of the Saxons, and for centuries after, few of those persons who dealt in goods and cattle and who attended fairs and markets could write: indeed, nor many of the nobility or gentry: and, therefore, by the ancient law of the land, the buyers of corn or cattle were to pay toll in testimony of the contracts lawfully made; for toll was first invented that contracts in markets and fairs should be openly made before witnesses, and private contracts were held unlawful.

From this it follows, that the property of things sold in a market or fair is not altered without paying toll, as has been determined in many cases.

Toll being a matter of private right for the benefit of the lord, is not incident to a fair or market; and if the King grants a man a fair or market, and grants no toll, the patentee shall have no toll.

So if the toll granted be outrageous, the grant of the toll is void, and the market is free.

Tolls must be for very small sums. They must be reasonable, for the King cannot grant a burthensome toll.

Lord Coke says, and there is no better authority, that toll in fairs is generally taken upon the sale of cattle, but in markets for grain only; and the lord may seize until satisfaction is made him. It is always to be paid by the buyer, unless there be a custom to the contrary: and nothing is tollable until the sale, unless it be by proscription, time out of mind.

By statute 3. Edw. 1. ch. 31, if toll be unreasonable it is punishable, and what shall be deemed reasonable is to be determined by the judges of the law, when it comes judicially before them: and toll is unreasonable and outrageous, when a reasonable toll is due and an excessive toll taken.

If excessive toll be taken in a market town, by the lord's consent, the franchise is forfeited; and, if by other officers, they shall pay double damages and suffer imprisonment, Stat. Westm. 1. 3. Edw. 1.

Taking excessive toll is of course *extortion calore officii*, and may be punished by indictment at common law. Or an action of trover will be against the toll-gatherer detaining goods; or of trespass, or of money had and received by him to the payer's use.

CITY OF DUBLIN TOLLS.—These amount to an enormous annual revenue, they were